

Quid Navi

January 9, 1995

♪ Happy New Year! Bonne Année! ♪

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# What's New

that the reason you're having January blues is not because the itchy bitsy vacation was too short but because all the hoopla from last new year didn't happen this year; there's just no new code this time around. A civil code that is. So we thought about it, and came

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# Announcements / Annonces

## LEGAL THEORY WORKSHOP

Steven Smith, St. Anne's College, Oxford University, "In Defence of Substantive Fairness", Friday, January 6, 1995 at 11:30 a.m. in Room 202.

Owen Fiss, Yale Law School, Friday, January 20, 1995 at 11:30 a.m. in Room 202.

## ANNIE MACDONALD LANGSTAFF WORKSHOP

Twila Perry, Faculty of Law, Rutgers - the State University of New Jersey, "What's Love Got to Do With It? Emotional Distress, Feminism, and Tort Law", Wednesday, January 11, 1995 at 12:30 p.m. in Room 202.

## FORUM NATIONAL

The Honourable Mr. Justice Frank Iacobucci, Supreme Court of Canada, Monday, January 16, 1995 at 12:30 p.m. in the Moot Court.

## COLLOQUIUM OF THE QUEBEC SOCIETY OF COMPARATIVE LAW, "Le Droit Transitoire", Thursday,

January 19, 1995 at 9:00 a.m. in the Moot Court.

## ASTRA LECTURES IN ETHICS

Dr. Solomon R. Benatar FRCP FACP (Hon), Professor of Medicine, University of Capetown, and Visiting Professor, Harvard Medical School, "Medical Ethics as an International Endeavour", Monday, January 30, 1995 at 6:00 p.m. in the Moot Court.

## LEGAL CLINIC COURSE

All students in the Legal Clinic Course should take note of the revised schedule of compulsory meetings. Clinics have been divided into subgroups for these meetings. Check the Class Cancellation board for the date of the meeting allotted for your particular clinic. All meetings will be on a Thursday, at 4 p.m. in Room 202.

## NEW YORK AND MASSACHUSETTS BAR INFORMATION

Anyone interested in taking the New York and/or Massachusetts Bars and Bar Review Course in the summer of 1995 should contact Jon Cutler by e-mail (J\_CUTLER) or phone (848-1024).

## NOTES FROM THE OFFICE OF UNDERGRADUATE STUDIES...

Students graduating in February 1995 should see Christine Gervais, Room 109, re their degree audit.

Preliminary lists of students graduating in June 1995 are posted on the bulletin board in the corridor behind U.S.O. All students in their third year and in their fourth year should consult these lists for possible errors. It is especially important that third year students check for their names, as some whose names may appear will be in the National Programme and will not, therefore, expect to graduate in June 1995. All problems should be brought to the attention of Christine Gervais.

## SUPREME COURT CLERKSHIPS 1995-96:

Students interested in applying for the position of Law Clerk to a Justice of the Supreme Court of Canada for the 1995-96 term are reminded that the deadline for applications is February 1, 1995. Because there is an internal processing of applications within the Faculty, the effective date for completing application files will be early in January. For further information, students may contact Professor Dennis Klinck, Room 22 OCDH; Phone 398-6615.

*Quid Novi* is published weekly by students at the Faculty of Law of McGill University, 3661 Peel Street, Montréal, H3A 1W9 (Tel: 398-4430). Production is made possible by support of the Dean's office and by direct funding from the students. Les opinions exprimées sont propres aux auteurs. Toute contribution doit indiquer l'auteur ou son origine et n'est publiée qu'à la discrétion du comité de rédaction. This newspaper is printed on 100% recycled paper.

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Y'en avais pas!

# Editorial

Les éditoriaux ont souvent traité de sujets difficiles, susceptibles d'engager des discussions plus ou moins passionnées. Cependant, tout le Quid est un éditorial puisque chaque article exprime l'opinion de son auteur par opposition à un exposé de faits.

Nous voulons donc tenter d'aller un peu plus loin avec l'éditorial, c'est à dire de créer un forum public d'opinions, où ceux qui n'ont jamais pensé à écrire un article pourront exprimer un point de vue dans un contexte informel. L'éditorial sera donc parfois bref, généralement problématique et, on l'espère, suscitera vos commentaires sous forme de petit mot via par exemple. Nous aider à créer un véritable format d'éditorial, c'est à dire avec des n'en tient donc qu'à vous.

En cherchant à donner ce rôle nouveau, c'est à dire de proposer des sujets et des polémiques qui suscitera

un dialogue public, on se confronte à plusieurs difficultés.

Que l'on écrive un éditorial ou bien qu'on y réponde, on se trouve devant le mur de la censure. Non pas une censure étatique ou même des éditeurs, mais une auto-censure que l'auteur s'impose souvent. Certes elle est volontaire, mais nécessaire dans une ère où la société impose des limites devenues assez rigides il semble sur ce qui se dit et ne dit pas.

Une telle politique a de nombreux avantages, notamment de sensibiliser tous et chacun aux groupes et sous-groupes sociaux, aux conséquences humaines des propos dont on parle. On est donc forcé de réfléchir avant de parler, et surtout de réfléchir avant d'offusquer.

Cependant, le bonheur étant dans l'équilibre et la modération, le souci du est peut être allé trop loin. Discuter de sujets difficiles comporte une dualité de ne pas dire ce qui n'est pas à la mode et parler du côté moins

populaire du sujet, c'est malgré tout le revers d'une même médaille. On parle donc de l'écologie, des droits humains, des politiques sociales sans pour autant parler des coûts, des aspects négatifs qui co-existent avec tout, même les meilleures idées.

De pouvoir parler librement des deux côtés des sujets c'est justement ce que je recherche dans cette rubrique. Cependant les lecteurs doivent se rendre compte que bien que les articles et éditoriaux soient le produit d'un auteur, ils n'expriment pas forcément l'opinion de l'auteur, dans le sens de ; pouvoir se faire l'avocat du diable ne doit pas nécessairement susciter de l'antipathie envers l'auteur.... De toutes façons, la seule façon d'arriver à des solutions viables pour tous et de tenir compte de tous les aspects d'un problème. On attend donc vos commentaires en réponse aux éditoriaux des semaines à venir!

Laurence Detière

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unless your professor has scheduled make up classes during that time due to his or her early semester ski vacation. During second semester the common room on Thursday afternoons is truly the happiest place on earth because various law firms offer to sponsor Coffee House at the Faculty. Lest you think that it's all cocktails and party sandwiches, take a moment to reflect on our articling brethren working their collective fingers to the bone to pay for your beer. To them I have but one word, "Cheers!" Finally, only five more days to Law Games (that is if this publication actually comes out on the 13th like it's supposed to)! I expect to see everyone there cheering for both the men's and

women's ice hockey teams.

I spent the tail end of last semester, as did most of my compatriots, desperately trying to make sense of whether something was an offer or option, whether said offer or option was substantively just or just procedurally unfair, and whether to apply the conflict of law rules of Quebec or Ruritania when answering these questions. In some of the above queries I was aided by a course outline or clear lecturing by the professor. However, when push came to shove and I had to study for finals what I found most helpful was when the professor did nothing. Nothing, that is, on the last day of classes. During a final exam a student must analyze, prioritize,

structuralize and finalize a complete answer to anywhere from 1 to 3 fact patterns in the time it takes a normal lawyer to read the file. We are asked to articulate an entire semester's worth of material in three hours plus reading time. In order to have any chance of doing this with any measure of competence a student must be able to see the "big picture."

What I mean by the "big picture" is seeing a course as more than just a bunch of rules, but as an organic whole where each of the parts of the course relates to the other. Doing this requires that you be able to discern the forest from the trees. Even if you have the most complete, up to date summary available you can still bomb the

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course (I know this from experience) if you forget that a loss arising from stocks in a privately held Canadian corporation are business investment losses and as such can in fact be deducted from income. The only way that I have found to get the "big picture" is through large blocks of uninterrupted study time. Small amounts of study time may be OK for figuring out the ratio of three or four cases, but are useless when it comes to figuring out how those three or four ratios relate to the other ten ratios in that section of the course, much less how that section of the course relates to the other five sections of the course.

Finding this kind of study time is impossible during the semester. During the week the vast majority of students actually try and attend their classes. Evenings and weekends are usually spent in a desperate attempt to balance weekly readings and other coursework with the more mundane aspects of life (laundry, Coffee House, cleaning, eating, drinking beer, writing Quid articles...) Only at the end of the semester, more out of necessity than desire, can most students find the time to adequately prepare for a course. Some students are lucky in that their exams don't start until the week after the exam period begins, giving them enough time to put the course together after classes end. Others aren't so fortunate and they are caught trying to prepare for exams, attend classes, and deal with all the last minute reading assignments that their professors throw at them.

Some professors chose to voluntarily cancel their last classes. Whether they do this because they truly sympathize with our plight,

are finished teaching the course material or are just sick of our sniveling whining faces is immaterial. What is important is that they give students who have exams at the beginning of the examination period a fighting chance to get the "big picture". Some professors compromise by not teaching new material during the last class, but instead opening the floor for student questions. While this is a noble gesture, I rarely attend these classes since at the beginning of exams I generally haven't engaged in enough review myself to benefit from a question period.

One professor in particular last semester went above and beyond the call of duty when she not only canceled the last class of the semester, but spent the entire preceding week engaged in problem solving practice sessions and substantive review of concepts covered in the course. Thank you Professor Groffier. If Professor Groffier represents the most ideal situation for a student, I can illustrate the worst case scenario. The worst case scenario is represented by the professor that cancels half a dozen lectures during the first month of the semester, commandeers all the Coffee Houses during the semester to make up for the missed classes, assigns a third of the reading on the course outline (when there is a course outline) during the last two weeks of the semester, teaches new material on the last day of classes (leaving no time for questions), and disappears "on vacation" until the day after the exam (so even if you wanted to seek out the professor to ask questions there's no one to ask them from.)

Everyone knows that the

material taught on the last day of class is generally not of earth shattering importance, otherwise professors would have made sure they taught it during the course, and not in a summary fashion on the last day. Why then must we be repeatedly subject to professors who make us show up on the last day before exams, and then end up cutting the class short because they feel guilty for making us show up in the first place. I would rather they take five minutes on the second to last class and explain to us the general significance of the course material that they aren't covering, as well as where to look it up should we ever really need to know what it's about (which is what you'll have to do with the other 9/10ths of the course anyway).

I'm not asking that all professors take an entire week to review the course, even though it would be highly practical and a nice gesture. What I am asking is that even if they can't take the time to help us, at least they could give us the time so we can help ourselves.

*Jody Berkes is a third year law student whose law school career is proceeding along ticketey boo, whatever that means. His column appears weekly in The Quid Novi.*

*Jody SAYS he is a third year law student, although nobody has ever seen him exiting a class, little less going into one. He also thinks he can write his own editorial comments (supra).*

*It also seems Jody was given Energizer batteries over the Christmas break because this week he just kept talking, and talking, and talking...inspired by some profs it seems. Jody is last but not least a very committed and cooperative write. Thanks for the IBM format Jody!*

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up with a few changes in the Quid, changes which theoretically should affect you more than those of the Code. Well until finals anyway.

The biggest change from last semester will be that the Quid will be coming to a pit near you on a weekly basis, as any of you who have read your E-mail already know. Right now it's still tentative, that is, it will depend on \$\$\$, the participation of the production crew and writers. This return to a weekly run entails several important changes:

**Submissions:** submissions must now be given either through E-mail, the address being "quid" when you're on the Law network or "quid@lsa.lan.mcgill.ca" when you're not, or on a 3.5" disk (which we prefer actually). In the latter case, the document MUST be saved in **Word for Windows 2.0** (the extension is ".doc"). You can convert your files or scan your documents and generally complain about the wonders of the computer world at the computer lab NCDH. Please put on your disk your name, year, phone number, and filename(!) to minimize the inevitable pre-production (pulling our hair out) problems (unreadable disk). Disks should be left in the Quid box in the LSA.

We realize that it may be a bit of a hassle to convert documents yourself, but it's the only way we can keep production down to one day and have the Quid out within a week of the deadline, since printing takes three full working days when all goes well. This also means that the deadline for articles to go in a given week's Quid is **10 AM Monday**. There will be NO

exceptions, any late submissions going towards the following week's Quid. Having the Quid come out within a week of the submissions is also a way to make sure announcements are timely (i.e. aren't published *after* the event has occurred) and articles more current (i.e. what happened last week and not the last week of the previous month).

**Office Hours:** Since all production will now take place on Monday (and at worst Tuesday morning), we'll be able (and not a.b.i.l all you tax nuts) to hold office hours on Monday. The hours aren't set just yet so we'll let you know as soon as we do. This will allow you to drop by to chat, volunteer, check out our new garbage can, volunteer, pick up your old disks which will no longer be left in the LSA box as they tend to clutter for semesters on end, volunteer...and oh yeah, volunteer.

We'll also have a suggestion box as soon as we make one and then figure out where to put it. That way you can drop off your comments and suggestions and....volunteer?

**Announcements:** in addition to the usual announcements, and maybe a remodeling of the announcements section, we'll now be taking "personals", but NOT the Valentine's issue type (after all, we can't start competing with ourselves!) but personals such as selling books, sublets (to assign or to sublease, *that* was the question on that Common Law Property exam (assassination attempt) in December).

**Editorials:** An invitation to comment: generally speaking, editorials will no longer be full fledged articles. Granted many people enjoyed that format (i.e. an article that takes a position) but that's the format of *all* Quid articles; the Quid is one giant editorial. The editorial was initially meant to open a forum of discussion, prompting "letters to the editor" which never came. Editorials will now be more succinct, generally raising a controversial issue in the hope that most of you will overcome the apathy that sometimes plagues the student body and take a few minutes to respond to an editorial. A short note on E-mail will suffice. You don't have to go out and write a whole article (although that would be great too!).

**E-mail:** The Quid will attempt to go international this term. As soon as we figure out how to do it (i.e. as soon as Harry explains the basics to us), we'd like to start sending the Quid to exchange students from the faculty and to those who have gone home but just can't seem to let go. If you're interested in having the Quid on E-mail at the faculty, let us know so we can get it to you that way and decrease the number of copies we have printed every week.

**Sports Corner:** there are many intramural teams who play every week a variety of sports (and I don't mean fighting for seats on the bus) yet nobody except the players know how they're doing. Starting next week (hopefully) we'll have a "Sports Corner" section where team names and scores will be

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reported, with perhaps a brief explanation (excuse?) for the score. This of course will depend on the participation of team captains/members who'll just have to stop by the LSA office where they can fill out the sheet that will be left in the Quid box.

Hopefully these changes won't be quite as confusing as those of the CcQ.

**THE HONOURABLE MR. JUSTICE FRANK IACOBUCCI**  
Supreme Court of Canada

**MONDAY, JANUARY 16, 1995**  
**12:30 p.m.**  
**MOOT COURT**

**Topic: "Independence and Accountability of the Three Legal Pillars"**

Mr. Justice Iacobucci was named to the Supreme Court in 1991. Prior to his appointment, he served as Chief Justice of the Federal Court of Canada.

The Honourable Justice's background is in corporate law. He has been both a practitioner and a professor of law. From 1979-83, he was Dean of the University of Toronto's Faculty of Law. Subsequently, he served as both Deputy Minister of Justice and Deputy Attorney General for Canada. He also has been a member of the Ontario Securities Commission.

Mr. Justice Iacobucci is an articulate speaker. All students and faculty are cordially invited to attend what promises to be an informative event next Monday, January 16th.

**Attention:** All those of you who have written in the past for the Quid and who have not yet(!) claimed your disks, please drop by the Quid office on a Monday (soon) to pick them up. There are 17 such abandoned disks and considering I'm about to get my Master Card bill for all the gifts of Christmas past I purchased when I was stupid enough to think I had the money, I'm going to start hawking these orphaned disks. Take that as a subtle hint that you should pick up your disks really soon as they are clutteting our little office. As an added insentive I may also remind you that we've acquired a garbage can.